

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

BIANCA FLETCHER

PLAINTIFF

V.

CASE NO. 4:20-CV-521 LPR

NITV, LLC; NITV FEDERAL SERVICES, LLC;  
CHARLES HUMBLE; GENE SHOOK; and  
JOHN DOES 1-2

DEFENDANTS

**DEFENDANTS' MOTION TO ENFORCE PROTECTIVE ORDER**

Comes now separate defendants, NITV Federal Services, LLC, and Gene Shook, by and through their counsel Barber Law Firm PLLC, and for their Motion to Enforce Protective Order:

1. On October 6, 2020, the Court entered a Stipulated Protective Order. (Doc. 12). Under the Stipulated Protective Order, the recipient of material and documents designated confidential is required to destroy or return all confidential material and documents upon request by the producing party. (Doc. 12, ¶ 11). Under the order, the Court retains jurisdiction to construe and enforce the order. (Doc. 12, ¶ 15).

2. During the course of discovery, confidential materials and documents were produced by the defendants pursuant to the Court's order.

3. On January 8, 2021, the parties resolved this matter at mediation. On the same day, the defendants requested the return or destruction of the confidential information on January 8, 2021, pursuant to the Court's order. Subsequently, the defendants have renewed their requests.

4. To date, the plaintiff has not yet verified destruction of the confidential information despite multiple requests over the intervening months.

5. Rule 16 of the Federal Rules of Civil Procedure authorizes a district court to enforce its pretrial orders and issue sanctions “if a party or its attorney . . . fails to obey a scheduling or other pretrial order.” Fed. R. Civ. P. 16(f)(1)(C). “The Court’s authority to enforce its orders by imposing sanctions is founded upon the Federal Rules of Civil Procedure and a district court’s inherent authority to manage the progress of litigation.” *Nick v. Morgan's Foods, Inc.*, 99 F. Supp. 2d 1056, 1059-60 (E.D. Mo. 2000) (compiling cases); *see also Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1077 (8th Cir. 2017) (citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991)) (“[T]he district court possesses inherent power ‘to manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases.’”).

6. NITV Federal Services, LLC and Gene Shook now move for an order from the Court compelling Plaintiff and her counsel to return all confidential materials and documents produced in discovery or provide verification that all confidential materials and documents, including all electronic copies and backups, have been destroyed. (Doc. 12).

WHEREFORE, NITV Federal Services, LLC, and Gene Shook, respectfully request that Plaintiff and her counsel be ordered to comply with the Stipulated Protective Order and be ordered to return all confidential materials and documents produced in discovery or provide verification that all confidential materials and documents, including all electronic copies and backups, have been destroyed, and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

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